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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Resolution adopted by the Human Rights Council

28/19. Rights of the child: towards better investment in the rights of the child

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention, and calling for their universal ratification and effective implementation, as well as that of other relevant human rights instruments,

Recalling all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Council resolution 25/6 of 27 March 2014 and Assembly resolution 69/157 of 18 December 2014,

Reaffirming that the general principles of the Convention on the Rights of the Child, including non-discrimination, the best interests of the child, survival and development, and participation, provide the framework for all actions concerning children,

Welcoming the work of the Committee on the Rights of the Child and of other United Nations treaty bodies, and noting its general comments, in particular general comment no. 5, on general measures of implementation of the Convention on the Rights of the Child,

Noting Committee on Economic, Social and Cultural Rights general comments no. 3, on the nature of States parties' obligations, and no. 9, on the domestic application of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the attention paid to the rights of the child by the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the

Secretary-General for Children and Armed Conflict, and taking note with appreciation of their recent reports,[1]

Recalling the commitments made by States at the World Summit for Children in 1990 and at the twenty-seventh special session of the General Assembly in 2002 to follow-up and implement the Plan of Action,[2] the United Nations Millennium Declaration,[3] the guiding principles on extreme poverty and human rights,[4] the United Nations Convention against Corruption, the Monterrey Consensus of the International Conference on Financing for Development,[5] the Doha Declaration on Financing for Development,[6] the Vienna Declaration and Programme of Action, the United Nations Principles and Guidelines on Access to Legal Aid and Criminal Justice Systems,[7] the Guiding Principles on Business and Human Rights and the Children's Rights and Business Principles, and recognizing their relevance, as appropriate, for other relevant stakeholders, such as business enterprises,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recognizing the need to ensure the full and effective enjoyment by all children of their human rights, including the right to development,

Emphasizing that States have the primary responsibility to respect, protect and fulfil all human rights, including the rights of the child, and that this responsibility involves all branches of the State,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection, and that families' and caregivers' capacities to provide the child with care and safe environment should be promoted,

Recognizing that the duties and responsibility to respect the rights of the child extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises,

Affirming that investing in children is critical to achieving inclusive, equitable and sustainable human development for present and future generations, and delivers benefits to society and the economy at large,

Recognizing that investing in quality education and health services tailored for children is a critical component of fulfilling the State's duties and responsibilities to respect, to promote and to protect the rights of the child,

Acknowledging that children constitute more than 30 per cent of the world population and even more than 50 per cent of the population in some countries, and expressing deep concern that, while States have developed and improved legal frameworks for children, the lack of sufficient, efficient, inclusive and equitable public investment in children remains one of the main barriers to realizing their rights,

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[1] A/HRC/28/56, A/HRC/28/55 and A/HRC/28/54.

[2] General Assembly resolution S-27/2, annex.

[3] General Assembly resolution 55/2.

[4] See General Assembly resolution 67/164.

[5] A/CONF.198/11, chap. I.

[6] A/CONF.212/L.1/Rev.1.

[7] General Assembly resolution 67/187, annex.

Deeply concerned that one billion children are deprived of one of more essential services for their survival and development,

Considering that economic policies are not neutral in their effect on children's rights,

Recognizing that comprehensive investment in the rights of the child is broader than the mobilization, budgeting and spending of public resources,

Conscious that the realization of the rights of the child may be affected by a range of factors, such as financial or economic crisis, illicit financial flows, emergencies, terrorism, armed conflict, inadequate legal protection, the adverse impact of climate change, natural disasters, food and water insecurity, poverty or global inequalities,

Recognizing that long-term debt may have an impact on States' ability to mobilize resources for the protection and realization of the rights of the child, and stressing in this regard the importance of effective debt management as an element in ensuring long-term debt sustainability,

Deeply concerned that extreme poverty and social exclusion persist in all countries of the world, regardless of their economic, social and cultural situation, that their extent and manifestations are particularly severe in developing countries, and that children are among those in the most vulnerable situations, and noting that the girl child experiences particular vulnerabilities as a consequence of multiple forms of discrimination,

Recognizing that transparent, inclusive, participatory and accountable governance and fiscal processes play a critical role in combating corruption and ensuring efficient resource mobilization, allocation and spending for the protection and realization of the rights of the child,

Reaffirming that equitable, sustained and broad-based investment in children for the protection and realization of their rights lays the foundation for a just society, a strong economy and a world free of poverty,

Recognizing that the enhancement of international cooperation to support national efforts in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights, including the rights of the child,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled "Towards better investment in the rights of the child";[5]

2. *Calls upon* all States to ensure the enjoyment by children of all their human rights, in accordance with the Convention on the Rights of the Child, without discrimination of any kind, and in this regard emphasizes the fundamental link between laws, policies and budgets and the responsibility of States to ensure that relevant national laws and policies are translated into transparent, participatory and accountable budgets and spending for the promotion, protection and realization of the rights of the child;

3. *Also calls upon* States to undertake all appropriate legislative, administrative, judicial and other measures for the implementation of the rights recognized in the Convention on the Rights of the Child and, with regard to economic, social, and cultural rights, to take such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation;

[5] A/HRC/28/33

4. *Affirms* that investment in children has high economic and social returns, and that all related efforts to ensure resources allocated and spent for children should serve as an instrument for the fulfilment of the rights of the child;

5. *Stresses* that the primary responsibility for the creation and maintenance of an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted, protected, respected and fulfilled, rests within each State, and that effective and equitable investment is required for this purpose, recognizing that additional resources, both national and international, are required for this purpose;

6. *Reaffirms* the responsibilities, rights and duties of parents, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of his or her rights;

I. National policies and the rights of the child

7. *Recalls* that State action aimed at the promotion, protection and full realization of all human rights and fundamental freedoms for all, including the rights of the child, at the national level is most effective when fully integrated into national laws and policies based on a human rights perspective and in a manner consistent with States' obligations under international human rights law;

8. *Reaffirms* that States have the right to choose the framework that is best suited to their particular needs and circumstances at the national level, and emphasizes that national policies, including budgetary and fiscal policies, are to be implemented in a manner that respects, protects and fulfils human rights and that inclusive and sustainable economic growth and stability should be regarded as a means towards human development;

9. *Emphasizes* the importance for the protection and realization of all human rights, including the rights of the child, of participatory and transparent approaches when planning, formulating and assessing relevant public policies, and recognizes the important and constructive role that parliaments, national human rights institutions, the judiciary and civil society can play with regard to the realization of the rights of the child;

10. *Encourages* States to develop and strengthen the collection, analysis and dissemination of data for national statistics and, as far as possible, to use data disaggregated by, inter alia, age, sex, ethnicity, location, language, family income, disability and other relevant factors that may lead to disparities, and other statistical indicators collected at the subnational, national, subregional, regional and international levels, to develop and assess social policies and programmes so that available economic and social resources are used efficiently and effectively for the full realization of the rights of the child, including girls and marginalized and disadvantaged groups of children;

II. Resource mobilization for the promotion, protection and realization of the rights of the child

11. *Requests* all States to take all possible measures towards the promotion, protection and realization of the rights of the child without discrimination of any kind, paying special attention to children in vulnerable situations;

12. *Encourages* States to pursue, among others, the following actions for mobilizing resources to realize the rights of the child:

(*a*) To take concrete measures to mobilize domestic and, where necessary, international resources, such as collecting taxes and other revenues, implementing transparent and efficient administrative procedures, promoting sustainable and inclusive growth and productivity and, when appropriate, inviting private sector involvement in a way that promotes the realization of the rights of the child;

(*b*) To ensure the effective and efficient use of resources and, to the greatest possible extent, that social expenditures that benefit children are prioritized, including during short-term and long-term economic and financial crises;

(*c*) To make continuous efforts to sustain investment in children at both the national and subnational levels over the medium to long term as a way of creating a long-lasting impact on future growth, sustainable development and social cohesion while safeguarding the rights of the child;

(*d*) To take measures for responsible, sustainable lending and borrowing and effective debt management in order to contribute to ensuring long-term debt sustainability;

(*e*) To combat corrupt or illicit practices at all levels, including tax evasion and illicit financial flows, that directly affect the resources available for the realization of the rights of the child, and in this regard to consider, as appropriate, developing global partnerships to that end;

III. Transparency in the allocation and use of resources

13. *Calls upon* States to make budgeting processes open, transparent, accessible and participatory;

14. *Encourages* States to take steps towards:

(*a*) Making child-related fiscal and budget information publicly available, comprehensive and timely, including the priorities guiding the relevant allocation of resources, to encourage accountability and public scrutiny with children, through child-friendly information, and with other stakeholders;

(*b*) Allowing for the identification of budget line items that have a direct or indirect impact on children, and systematizing relevant data and indicators, including child-focused indicators and child rights impact-tracking mechanisms;

IV. Accountability

15. *Calls upon* States, in the context of their national policies relating to the protection, promotion and realization of the rights of the child, to strengthen public financial management systems, to ensure accountability for public resources and to put in place effective remedies to prevent and address the mismanagement of public funds and other resources and the negative impact of investment decisions and practices that deprive children of their access to services essential for the realization of their rights;

16. *Encourages* States to take steps towards:

(*a*) Ensuring financial internal oversight, such as internal audits, as well as external oversight by the parliament and independent supreme audit institutions, and recognizing the role that independent human rights institutions have established in accordance with the Paris Principles, children's ombudspersons, and the wider public, including children, can play to hold the Government accountable for its investment in children;

(*b*) Conducting assessments of the impact of fiscal policies, as well as budget allocation and spending, on the realization of the rights of child, including the most disadvantaged and marginalized, and of how investments in any sector can serve the best interests of the child;

17. *Calls upon* States to encourage the private sector to play a more active, effective and responsible role in the fight against poverty and the protection and realization of the rights of the child in all areas where it is involved and as economic agent and service provider, to encourage corporate social responsibility, bearing in mind that corporations must abide by national legislation, and to promote increased corporate awareness of the interrelationship between social development and economic growth for the realization of human rights, including those of children;

18. *Encourages* States to collect statistical data and pertinent and accurate information relating to investment in children, including, when possible, on progress made and the challenges encountered, and to consider including statistics and comparable data in their periodic reports to the relevant United Nations mechanisms in accordance with their mandates, including information provided to the Human Rights Council in the context of the universal periodic review;

19. *Emphasizes* the important role of civil society in promoting accountability in investment in the realization of the rights of the child at all levels, including through child-sensitive community engagement mechanisms;

V. Participation of children in budgetary and fiscal processes

20. *Recognizes* that a child who is capable of forming his or her own views should be assured the right to express those views freely, without discrimination on any ground, in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity;

21. *Calls upon* States to consider, as appropriate, promoting, facilitating and funding the meaningful participation and active consultation of children in all the issues affecting them, including in the formulation and implementation of public policies and delivery of services, in particular those designed to meet national goals and targets for children and adolescents, and recognizes the important role played by independent ombudspersons for children, educational institutions, the media, community-based organizations, such as children's organizations, and parliaments in assuring the meaningful participation of children in these public processes, taking into account the best interests of the child;

VI. Resource allocation and spending for the promotion, protection and realization of the rights of the child

22. *Emphasizes* the duty of all States to allocate and spend sufficient and equitable public resources for the promotion, protection and realization of all human rights, and stresses that government budgets and spending are prerequisites for the provision of appropriate services mechanisms and infrastructure that serve to fulfil the rights of the child at all times, including to prevent and respond to emergencies and other humanitarian situations, and encourages States:

(*a*) To ensure that the national budget is conceived as an instrument to guarantee social and economic objectives and the protection and realization of the rights of the child, guided by the Convention on the Rights of the Child and the principles of non-

discrimination, the best interests of the child, survival and development, and participation, universality, transparency and accountability in all governmental actions and processes related to it;

(*b*) To make children a priority in budgetary allocations and spending as a means to ensure the highest return on the limited resources available;

(*c*) To take steps to improve interministerial coordination and cooperation regarding investment in the rights of the child at all levels, to ensure, as appropriate, that subnational authorities have the necessary financial, human and other resources to effectively discharge their assigned responsibilities, and to implement safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions;

23. *Calls upon* States, regardless of their level of development or resource constraints, to ensure the satisfaction of, at the very least, the minimum essential levels of enjoyment of all economic, social and cultural rights by making every effort to use the resources that are at their disposal to satisfy as a matter of priority these minimum levels;

24. *Emphasizes* that, where the available resources are demonstrably inadequate, States are still required to take targeted measures to move as expeditiously and effectively as possible towards the full realization of the rights of the child, including within the framework of international cooperation;

VII. Holistic child protection systems

25. *Calls upon* all States to take all necessary measures to establish holistic child protection systems, including through laws, policies, regulations and appropriate budget allocation, to ensure access to services across all social sectors, including but not limited to health and nutrition, education, social welfare, security and justice, in order to address the multiple needs and underlying vulnerabilities of all children without any discrimination;

26. *Reminds* States of their obligation to register births without discrimination of any kind, and calls upon States to do so irrespective of the status of the child's parents, and to ensure free birth registration, including free or low-fee late birth registration limited to cases that would otherwise result in a lack of registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind, as a means for providing an official record of the existence of a person and the recognition of that individual as a person before the law, and granting access to services and enjoyment of all the rights to which the child is entitled;

27. *Calls upon* all States to take all necessary measures to ensure that the rights of the child to life, survival and development and to the enjoyment of the highest attainable standard of physical and mental health are promoted, protected and fulfilled, without discrimination of any kind, including through the development and implementation of laws, strategies and policies, with appropriate budgeting and resource allocation and adequate investment in resilient and responsive health systems and public health services, with an adequately skilled, well-trained and motivated workforce, and ensuring its availability, accessibility, affordability, acceptability and quality;

28. *Also calls upon* States to make progress towards the implementation of universal health coverage and to ensure access to all people, including children, without discrimination, to a nationally determined set of promotive, preventive, curative and rehabilitative health services, including sexual and reproductive health-care services, and to identify the underlying determinants of children's health and risk factors of both non-communicable and communicable diseases;

29. *Further calls upon* all States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all children, and urges States to pay special attention in that regard to children with disabilities and children in vulnerable situations, such as indigenous children, members of minorities, refugees, migrants, undocumented and stateless children, married or pregnant children and adolescents, and adolescent mothers, children living in poverty, and any other marginalized or disadvantaged child, as well as for children in armed conflict or emergency situations;

30. *Calls upon* States to make primary education available, free and compulsory for all children, ensuring that all children have access to an inclusive quality education from an early age, and making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, as well as ensuring equal access to early childhood education and care, and access on the basis of equal opportunity and non-discrimination to post-secondary and tertiary education, and to include comprehensive evidence-based education on human sexuality in a manner consistent with their evolving capacities;

31. *Also calls upon* States to recognize for every child the right to benefit from social security, including social insurance, and to take the measures necessary to achieve the full realization of this right in accordance with their national laws, including by taking into account the resources and circumstances of the child and persons having responsibility for his or her maintenance, as well as any other consideration relevant to an application for benefits made by or on behalf of the child; and encourages States to, as part of their social protection systems, establish or maintain and implement social protection floors, which comprise basic social security guarantees as nationally defined and contribute to ensuring minimum essential level of protection, to the realization of the economic, social and cultural rights of children and to preventing or alleviating poverty, vulnerability and social exclusion;

32. *Urges* States, in accordance with national conditions and within their means, to take appropriate measures to assist parents and others responsible for the child in implementing the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and, in the event of need, to provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing;

33. *Requests* all States to promote innovative programmes that provide incentives to low-income families with school-age children in order to increase the enrolment and attendance of girls and boys, and to ensure that children are not obliged to work in a way that interferes with their schooling or represents a risk to their health or well-being, and that they are not taken into care because of poverty;

34. *Encourages* States to develop or enhance early childhood programmes targeted at assisting families facing especially difficult circumstances, including those headed by single parents or children, those living in the most vulnerable and disadvantaged situations and those living in extreme poverty or caring for children with disabilities;

35. *Also encourages* States to take into account the Guidelines for the Alternative Care of Children, and to adopt and enforce laws and to improve the implementation of policies and programmes, budget allocation and human resources to support children, particularly children living in disadvantaged and marginalized families, to ensure that they are cared for effectively by their own families and communities, and to protect children growing up without parents or caregivers; where alternative care is necessary, decision-making should be in the best interests of the child, in full consultation with the child as age-appropriate and with the child's legal guardians;

36. *Calls upon* States to translate into concrete action their obligations and commitments related to child labour, including to the effective elimination of child labour that is likely to be hazardous, interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, and to examine and devise economic policies, where necessary in cooperation with the international community, that address factors contributing to these forms of child labour, such as poverty and social exclusion, labour mobility, discrimination and lack of adequate social protection and educational opportunities;

37. *Urges* all States that have not yet ratified the Conventions of the International Labour Organization concerning the Minimum Age for Admission to Employment (No. 138) and the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) to consider doing so as a matter of priority, and encourages States to consider ratifying the Convention concerning decent work for domestic workers (No. 189);

38. *Strongly condemns* all acts of violence against children, and calls upon States to take effective and appropriate legislative and other measures, including sufficient resource allocation, to prevent, prohibit and eliminate all forms of violence against children in all settings;

39. *Calls upon* all parties to armed conflict to respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict, including concerning the recruitment and use of children by parties to armed conflict;

40. *Calls upon* States to take, as a matter of urgency, all appropriate measures, including through sufficient resource allocation, to prevent, and to protect children, without discrimination of any kind, from, torture and other cruel, inhuman or degrading treatment or punishment, and to abolish harmful practices that compromise the dignity and integrity of the child and that are prejudicial to the health of boys and girls, particularly by preventing and explicitly condemning such practices, as well as addressing violence leading to child self-harm and suicide;

41. *Urges* States to ensure that all child victims of violence, armed conflict situations and harmful practices have access to adequately funded and appropriate gender-sensitive, safe and confidential programmes and medical, social and psychological support services to protect, treat, counsel and reintegrate child victims, as well as child-friendly and safe spaces, including schools, and to implement protective measures to provide necessary support for the child and for those who have the care of the child, and to provide for other forms of prevention and for the identification, reporting, referral, investigation, treatment of and follow-up on instances of child maltreatment and for judicial involvement;

42. *Calls upon* States to provide effective remedies to redress violations of the rights of the child, and encourages States to pay particular attention to providing child-sensitive procedures, information and advice, an adequately trained workforce and, as appropriate, alternatives to prison and alternative mechanisms for solving disputes and seeking redress, available to children and their representatives; and also calls upon States to provide judicial redress, with the necessary legal and other assistance, and to commit sufficient funds to achieve these goals, as well as to provide appropriate reparation and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration, including for children formerly recruited by armed groups and armed forces or children victims of violence;

VIII. International cooperation

43. *Encourages* all States to strengthen their commitment, cooperation and mutual assistance with the objective of implementing the Convention on the Rights of the Child and realizing fully the rights of the child, including through the sharing of good practices, research, policies, monitoring and capacity-building;

44. *Calls upon* States, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, for the promotion and protection of the rights of the child;

45. *Encourages* States to honour their commitments and to meet internationally agreed targets, including the United Nations targets for international development assistance, in particular for the implementation of the rights of the child;

46. *Emphasizes* the role of international cooperation in support of national and subnational efforts and in raising the capacities, including at community level, for the fulfilment of the rights of the child through, inter alia, the enhancement of their cooperation with human rights mechanisms, relevant United Nations agencies, programmes and funds, including through the provision of technical and financial assistance, upon the request of and in accordance with the priorities set by the States concerned;

47. *Encourages* all States to ensure that the rights of the child are respected and protected in programmes implemented through bilateral and multilateral development cooperation;

48. *Invites* international financial institutions and other international governmental and non-governmental organizations to work together with recipient Governments on their request and in accordance with their priorities in order to enhance their capacity to implement child rights-based budgeting into national budgets and to ensure that cooperation is effectively coordinated;

IX. Follow-up

49. *Encourages* States to give due consideration to the rights of the child in the discussions on the post-2015 development agenda and financing for development, and to ensure an open, transparent, participatory, inclusive and child-sensitive framework for that agenda;

50. *Requests* all United Nations bodies, agencies, mechanisms, plans and programmes to support States in their development efforts and implementation of the rights of the child, and to routinely incorporate information on how resources are allocated and spent for children's rights in their work in accordance with their respective mandates;

51. *Invites* the High Commissioner to prepare a follow-up report on investment in the rights of the child, based on good practices and lessons learned, in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies, agencies, funds and programmes, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to submit the report to the Human Rights Council at its thirty-first session;

52. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolutions 7/29 of 28 March 2008 and 19/37 of 23 March 2012, and, capitalizing on the work conducted by the Special

Representative of the Secretary-General on Violence against Children, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, to focus its next full-day meeting on the theme of "Information and communications technology and child sexual exploitation", requests the Office of the High Commissioner to prepare a report on that issue, in close collaboration with the Special Representative of the Secretary-General on Violence against Children and the Special Rapporteur on the sale of children, child prostitution and child pornography, as well as other relevant stakeholders, including States, the United Nations Children's Fund, other relevant United Nations bodies and agencies, relevant special procedures mandate holders, regional organizations and human rights bodies, civil society, national human rights institutions and children themselves, and to present it to the Council at its thirty-first session, to inform the annual day of discussion on the rights of the child, and requests the High Commissioner to circulate a summary report on the next full-day meeting on the rights of the child.

57th meeting
27 March 2015

[Adopted without a vote.]